

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### **"INFORMATION PROCESSING DEVICE AND METHOD THEREOF, RECORDING MEDIUM AND PROGRAM"**

Case No. 09792909-5309, the specification of which

(check one) X is attached hereto  
       was filed on \_\_\_\_\_, as  
Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification,  
 including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent Office all information which is known to me  
 to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations. 1.56<sup>1</sup>

I do not know and do not believe this invention was ever known or used in the United States of America  
 before my or our invention thereof, or patented or described in any printed publication in any country before my or  
 our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in  
 the United States of America more than one year prior to this application, and I believe that the invention has not  
 been patented or made the subject of an inventor's certificate issued before the date of this application in any country  
 foreign to the United States of America on an application filed by me or my legal representatives or assigns more  
 than twelve months prior to this application, and that no application for patent or inventor's certificate on this  
 invention has been filed in any country foreign to the United States of America prior to this application by me or my  
 legal representatives or assigns, except as identified below:

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign  
application(s) for patent or inventor's certificate listed below:

Prior Foreign Application(s) Number	Country	Date
<b>P2001-006364</b>	<b>Japan</b>	<b>January 15, 2001</b>

and have also identified below any foreign application for patent or inventor's certificate having a filing date before  
that of the above listed application on which priority is claimed:

<sup>1</sup> (b) Under this section, information is material to patentability when it is not cumulative to information already of record or  
being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the application takes in:
  - (i) opposing an argument of unpatentability relied on by the Office, or
  - (ii) asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable  
under the preponderance of evidence, burden of proof standard, giving each term in the claim its broadest reasonable  
construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an  
attempt to establish a contrary conclusion of patentability.

